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1846

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ACTS

RELATING TO THE

PUBLIC SCHOOLS

OF

RHODE ISLAND.

Published by order of the General Assembly, June Session, 1846.

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This edition of the School Laws of Rhode Island is published pursuant to Section IV, *of an "Act in addition to, and amendment of an Act relating to Public Schools," of the General Assembly, passed at Newport, June,* 1846.

HENRY BARNARD,
Commissioner of Public Schools.

REPORT OF THE JOINT COMMITTEE ON THE SCHOOL LAWS.

To the General Assembly:

At the last session, Messrs. Bosworth, Lawton and Tourtellot of the House, and Messrs. Congdon and Ballou of the Senate, were appointed a Joint Committee to examine the act relating to Public Schools. This committee have had several meetings, and the result of their deliberations has been that very few alterations are advisable in the system, at least, at present. The main features of the act they are satisfied will recommend themselves more and more to the approbation of the people the longer they are tried. Any practical inconveniences which may be found to arise from the law hereafter, can better be remedied as they arise, and the committee do not consider that there will very often be occasion for the Assembly to make amendments, as, by a happy provision in the law, the Commissioner, under the advice and with the approval of a Judge of the Supreme Court, is already authorized to settle any difficulties as to the construction of the act.

As there seems to have been a difference of opinion as to the time the act went into effect, and as the schools of last year were not kept in all respects according to the new law, the committee have reported a separate resolution to provide for such cases.

The only amendments the Committee think proper, at the present time, they have embodied in a bill, which they report for the action of the Assembly.

OLNEY BALLOU,
CALEB CONGDON,
ALFRED BOSWORTH.
EDWARD W. LAWTON,
JESSE S. TOURTELLOT,

State of Rhode Island and Providence Plantations. General Assembly, June Session, A. D. 1846.

Voted and Resolved, That the School Committees of the several towns shall have full powers to settle up all accounts for keeping the schools in their towns for the past year, according to the best of their judgment and discretion, notwithstanding such schools may not have been kept in all respects, according to the provisions of the present law; and that all acts and doings of the school committees of the several towns, and, school districts, done in good faith during the past year, and before the election of the present committees and trustees, shall be held good in law, and are hereby confirmed.

True copy—witness

HENRY BOWEN, Sec'ry.

AN ACT RELATING TO PUBLIC SCHOOLS.

Passed, June Session, 1845.

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II. Annual State Appropriation.
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XXV. School money falsely drawn forfeited to the State.
XXVI. Word "town" includes city of Providence for certain purposes only.
XXVII. Decision of Commissioner of Public Schools, when approved by a Judge of the Supreme Court, final and conclusive, in all cases arising under this act.
XXVIII. All former legislation repealed.
XXIX. Act to take effect after the October Session, 1845.

It is enacted by the General Assembly as follows:

I. STATE APPROPRIATION AND SUPERVISION. Section I—III.

SECTION 1. For the uniform and efficient administration of this Act, and the supervision and improvement of such schools as may be supported in any manner out of appropriations from the General Treasury, the Governor shall appoint an officer, to be called the Commissioner of Public Schools, who shall hold his office one year, and until his successor shall be appointed, with such compensation for his services, and allowance for his expenses, as the General Assembly shall determine.

[By act of June 1846, § 5, in case of the sickness or absence of the Commissioner, the Governor may appoint a person to act as Commissioner during his absence or sickness.]

SEC. II. For the encouragement and maintenance of public schools in the several towns and cities of the State in the manner hereinafter prescribed, the sum of twenty-five thousand dollars is hereby annually appropriated, payable out of the annual avails of the School Fund, and of the money deposited with this State by the United States, and other moneys not otherwise specially appropriated; and the General Treasurer is authorized and directed to pay all orders drawn by the Commissioner of Public Schools in pursuance of the provisions of this act, or of resolutions of the General Assembly: *Provided*, the aggregate amount of such orders in any one year shall not exceed the sum of twenty-five thousand dollars.

SEC. III. The Commissioner of Public Schools is authorized and it is made his duty—

¶ 1. To apportion annually, in the month of May, the money appropriated to public schools, among the several towns of the State, in proportion to the number of children under the age of fifteen years, according to the census taken under the authority of the United States, next preceding the time of making such apportionment.

¶ 2. To draw all orders on the General Treasurer, for the payment of such apportionment in favor of the treasurer of such towns as shall comply with the terms of this act, on or before the 1st of July annually.

[See § 4, ¶ 3—§ 5, ¶ 13.]

¶ 3. To prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings under this act, and to transmit the same, with such instructions as he shall deem necessary and proper for the uniform and thorough administration of the school system, to the Town Clerk of each town, for distribution among the officers required to execute them.

¶ 4. To adjust and decide, without appeal and without cost to the parties, all controversies and disputes arising under this act, which may be submitted to him for settlement and decision; the facts of which cases shall be stated in writing, verified by oath or affirmation if required, and accompanied by certified copies of all necessary minutes, contracts, orders and other documents.

[See § 27.]

¶ 5. To visit as often and as far as practicable, every school district in the State, for the purpose of inspecting the schools, and diffusing as widely as possible by public addresses, and personal communication with school officers, teachers and parents, a knowledge of existing defects, and desirable improvements in the administration of the system, and the government and instruction of the schools.

¶ 6. To recommend the best text books, and secure, as far as practicable a uniformity, in the schools of at least every town, and to assist, when called upon, in the establishment of, and the selection of books for school libraries.

[See § 5, ¶ 9—§ 14, ¶ 5.]

¶ 7. To establish Teachers' Institutes, and one thoroughly organized Normal School in the State, where teachers, and such as propose to teach, may become acquainted with the most approved and successful methods of arranging the studies, and conducting the discipline and instruction of public schools.

¶ 8. To appoint such and so many inspectors in each county, as he shall, from time to time, deem necessary, to examine all persons offering themselves as candidates for teaching public schools, and to visit, inspect, and report, concerning the public schools, under such instructions as said Commissioner may prescribe; *Provided*, that as far as practicable such inspectors shall be experienced teachers, and shall serve without any allowance or compensation from the General Treasury.

[See § 20, ¶ 2 and proviso.]

¶ 9. To grant certificates of qualification to such teachers as have been approved by one or more county inspectors, and shall give satisfactory evidence of their moral character, attainments, and ability to govern and instruct children.

[See § 20, ¶ 2 and proviso.]

¶ 10. To enter, or cause to be entered, in proper books to be provided

for the purpose in his office, all decisions, letters, orders on the Treasurer, and other acts as Commissioner of Public Schools; and to submit to the General Assembly at the October session, an annual printed report, containing, together with an account of his own doings,—

First,—A statement of the condition of the public schools, and the means of popular education generally in the State;

Second,—Plans and suggestions for their improvement;

Third,—Such other matters relating to the duties of his office, as he may deem useful and proper to communicate.

II. Powers and Duties of Towns. Section IV—IX.

Sec. IV. To provide for the education of all the children residing within their respective limits, the several towns and cities of the state are empowered and it shall be their duty—

¶ 1. To lay off their respective territory into primary school districts, and to alter or abolish the same when necessary; *Provided*, that unless with the approbation of the Commissioner of Public Schools, no new district shall be formed with less than forty children, over four and under sixteen years of age; and that no existing district, by the formation of a new one, shall be reduced below the same number of like persons; And that no village or populous district shall be subdivided into two or more districts for the purpose of maintaining a school in each under one teacher, when two or more schools of different grades for the younger and older children, can be conveniently established in said district; or

[By act of June 1846, § 1, the school districts as established at the passage of the new school law, are recognized as such, and all alterations hereafter are to be made by the school committees subject to the foregoing provisos.]

¶ 2. To establish and maintain, (without forming, or recognizing when formed, districts as above,) a sufficient number of public schools of different grades, at convenient locations, under the entire management and regulation of the school committee hereinafter provided.

[See § 6, and § 17.]

¶ 3. To raise by tax at the annual meeting, or at any regular meeting called for the purpose, such sums of money for the support of public schools, as they shall judge necessary, which tax shall be voted, assessed and collected as other town taxes; *Provided*, that a sum equal to one third of the amount received from the General Treasury for the support of public schools for the year next preceding, shall be raised, before any town shall be entitled to receive its proportion of the annual State appropriation.

[See § 3, ¶ 2. The money must be voted on or before the 1st of July, annually.]

¶ 4. To elect by ballot or otherwise, at the annual town meeting, or at a meeting of the town previously designated for this purpose, a school committee, to consist of three, six, nine or twelve persons resident in such town, as the town shall determine at the first meeting held for the choice of said committee after the passage of this act.

[By the Constitution, Art. 9, § 1, the school committee are not required to be qualified electors; and by the Digest, page 302, § 6, all town officers hold until their successors are qualified to act. By Digest, page 302, § 5, if any town, at its annual meeting, fails to elect any of the officers they may lawfully choose, (with certain exceptions,) the town council may choose them at its next meeting; and any town may vote to delegate the election of them to the town councils.]

SEC. V. The School committees of the several towns, when qualified by oath or affirmation to the faithful discharge of their duties, are authorized and it shall be their duty—

[By Art. 9, § 1, of Constitution, the office of school committee is spoken of as a civil office. And by Art. 9, § 4, all civil officers are required to take an engagement to support the constitutions of the State and of the United States. See form of the oath in Digest p. 305, § 22. Justices of the Peace or Wardens, (in those towns which elect Wardens,) and Public Notaries are authorized to administer oaths and affirmations. See Digest, page 104, § 5—page 108, § 23, and page 88, § 2. And as the school committee, being town officers, hold until their successors are qualified, the chairman or clerk, as provided below, can administer the oath or affirmation to their successors until a majority of their successors are qualified.]

¶ 1. To elect a chairman, and in his absence or inability to serve, a chairman *pro tem.*, who shall preside in all meetings, and sign all orders and official papers of the committee; and a clerk, who shall keep minutes of their votes and proceedings, in a book provided for that purpose, and have the custody of all papers and documents belonging to the committee; and either chairman or clerk when qualified may administer the oath or affirmation required of said other members of the school committee, and of trustees of school districts.

[See preceeding note.]

¶ 2. To hold at least four stated meetings, viz., on the 2d Monday of January, April, July, and October, in each year, and as often as the circumstances of the schools require; and a majority of the whole number chosen, shall constitute a quorum for the transaction of business, but any less number may adjourn to any time and place.

¶ 3. To form, alter, and discontinue school districts, and to settle the boundaries between them when undefined or in dispute, subject to the direction or concurrence of the town, or the Commissioner of Public Schools.

[By the act of June 1846, the formation and alteration of school districts is left exclusively with the school committee, subject only to the provisos of § 4, ¶ 1, of this act, and to the appeal provided for by § 27.]

¶ 4. To locate all school-houses, and not to abandon or change the site of any without good cause.

¶ 5. To examine by the whole board, or a sub-committee appointed for that purpose, all candidates as teachers in the public schools of the town, and give to such as may be found qualified, in respect to moral character, literary attainments, and ability to govern and instruct children, a certificate signed by the chairman, which shall be valid for one year, or until annulled.

[As to the qualifications, see § 20, ¶ 2, proviso. The certificate may be signed by the chairman of the school committee or by the sub-committee. See § 20, ¶ 1.]

¶ 6. To annul the certificates of such teachers as shall prove, on trial, unqualified, or who will not conform to the regulations adopted by the committee.

¶ 7. To visit, by one or more of their number, every public school in town, at least twice during each term of schooling, once within two weeks after the opening, and again within two weeks preceding the close of the school, at which visits, they shall examine the register of the teacher, and other matters touching the school-house, library, studies, discipline, modes of teaching, and the improvement of the schools.

[As to supervision of joint districts see § 19, ¶ 3.]

¶ 8. To suspend during pleasure, or expel during the current school

year, all pupils found guilty, on full hearing, of incorrigibly bad conduct, and re-admit the same, on satisfactory evidence of amendment.

[As a part of the regulations of the school committee relating to *discipline* provided for by the next paragraph, the power of *temporary* suspension can be delegated to the teachers or trustees, until a full hearing can be had before the committee.]

¶ 9. To prescribe, and cause to be put up in each school-house, or furnished to each teacher, a general system of rules and regulations, for the admission and attendance of pupils, the classification, studies, books, discipline and methods of instruction, in the public schools.

¶ 10. To fill any vacancy in their own committee, or in the trustees of school districts, occasioned by death, resignation, or otherwise, by an appointment, to continue till the next succeeding annual election, and no longer, at which time such vacancies shall be filled by the town or district respectively.

¶ 11. To apportion, as early as practicable in each year, among the several school districts, in case the public schools are maintained through their organization, the money received from the State, one half equally, and the other half according to the average daily attendance in the public schools of each district, during the year next preceding, which money shall be designated as "teachers' money," and shall be applied to the wages of teachers, and for no other purpose whatever; and further to apportion any other money, either raised by tax over the sum received from the State, or derived from the registry tax or funds, grants, or other sources of revenue appropriated to public schools, in such manner as the town may determine.

[Daily attendance can be ascertained by the register provided for by § 21. As to penalty for misapplication of School money, see § 25.]

¶ 12. To draw an order on the treasurer of the town in favor of such districts, and such districts only, as shall have made a return to them in matter and form required by said committee, or by the Commissioner of Public Schools, from which it shall appear, among other things, that for the year ending the 1st of May previous, one or more public schools had been kept for at least four months by a teacher properly qualified, and in a school-house approved by the committee, and that the money designated "teachers' money," received from the treasurer of the town for the year previous, had been applied to the wages of teachers, and for no other purpose whatever.

[As to money for secondary schools see § 18, ¶ 2. In case of children attending schools in other towns or districts see § 24. In case there are no districts see § 6. For signing orders, see ¶ 1, and § 9.]

¶ 13. To prepare and submit annually, *First*, a return to the Commissioner of Public Schools, on or before the 1st of July, in matter and form as shall be prescribed by him; and *Second*, a written or printed report to the town, at the annual town meeting when the school committee is chosen, setting forth the doings of the committee, and the condition and plans for the improvement of the public schools of their respective towns; which report, unless printed, shall be read in open town meeting.

SEC. VI. Whenever a town is not divided into school districts, or shall vote in a meeting duly warned for that purpose, to provide public schools of different grades without reference to such division, the school committee of said town shall perform all the duties devolved by this act on

the trustees of school districts, and pay all necessary expenses of the system, by drafts on the treasurer of the town.

[See § 4 ¶ 2, and § 17.]

Sec. VII. Any town may establish and maintain a public school library for the use of the inhabitants generally of the town, and such library may be kept together at some convenient place, or be distributed into several parts, and transferred from time to time for the convenience of different districts or neighborhoods, under such rules and regulations as the town may adopt.

Sec. VIII. The town clerk of every town shall keep a record of all votes and proceedings of the town relating to public schools, in a book provided for that purpose; shall receive and keep all school reports and documents addressed to the town, and receive such communications as may be forwarded by the Commissioner of Public Schools, and dispose of the same in the manner directed by him.

Sec. IX. The treasurer of each town respectively shall apply to the General Treasurer, and receive all monies to which the town may be entitled under the apportionment and order of the Commissioner of Public Schools; shall keep a separate account of all monies thus received, or appropriated by the town; shall give notice to the school committee, within one week after the regular annual town meeting, of the amount of monies remaining in his hand, at the time, or subject to the order of said committee, specifying the sources from whence derived; and shall pay out said money from time to time, to the orders of the school committee, signed by the chairman.

III. School Districts. Section X—XIX.

Sec. X. Every regularly constituted school district shall be numbered, and its limits defined by the town, or the school committee of the town, which number and limits, and any alteration thereof, shall be entered on the records of the clerk of the town, and the records of the district.

[See act of June 1846, § 1.]

Sec. XI. When any two or more districts shall be consolidated into one, the new district shall own all the corporate property of the several districts; and when a district shall be divided, or a portion set off to another district, the funds, property, or the income and proceeds thereof, belonging to such district, shall be distributed or adjusted among the several parts, by the school committee of the town or towns to which such district belongs, in a just and equitable manner.

Sec. XII. ¶ 1. Notice of the time, place, and object of holding the first meeting of any district, shall be given by the committee of the town to which such district belongs.

¶ 2. Every school district shall hold an annual meeting in the month of May in each year, for the choice of officers, and the transaction of any other business relating to schools in said district, and shall also hold a special meeting whenever the same shall be duly called.

[By act of June 1846, § 2, the annual meeting may be held in April or May. The first meeting for organizing a district may be held at any time in any month after legal notice, but after they are organized the annual meetings must be held as be-

fore mentioned. It was not supposed that the districts would all organize at once, nor was it intended to limit the time. If they do not organize, the committee may keep the school. See act of June 1846, § 3.]

¶ 3. The trustees may call a special meeting whenever they shall think it necessary or proper, and shall call a special meeting on the written request of five residents in the district qualified to vote, which request shall state the object of calling the same.

¶ 4. District meetings shall be held at the district school-house. If there be no school-house, the trustees shall determine the place of meeting. If there be no trustees, the committee of the town to which such district belongs, shall determine the place of meeting, which shall, in all cases, be within the limits of the district.

¶ 5. Notice of the time and place of every annual meeting, and of the time, place, and object of every special meeting of the district, shall be given at least five days inclusive, previous to holding the same.

¶ 6. The trustees, or if there be no trustees, then the committee of the town, shall give the notice of a district meeting, either by publishing the same in a newspaper printed in the district, or by putting the notice on the district school house, or on a sign-post within the district, or in some other mode previously designated by the district; but if there be no such newspaper, school house, or sign-post, or other mode so designated, then the committee of the town to which such district belongs, shall determine how and where the notice shall be given.

¶ 7. Every person residing in the district may vote in district meetings, to the same extent, and with the same restrictions, as he may at the time be qualified to vote in town meeting.

[As to who may vote for taxes see Constitution, Art. 2, § 2.]

¶ 8. Every district meeting may appoint a moderator, and adjourn from time to time.

Sec. XIII. Every school district shall be a body corporate, and shall have power—

¶ 1. To prosecute and defend in all actions relating to the property and affairs of the district.

¶ 2. To purchase, receive, hold and convey any real or personal property for school purposes.

¶ 3. To build, purchase, hire and repair school houses, and supply the same with black-boards, maps, furniture, and other necessary and useful appendages; *Provided*, that the erection and repairs of the district school house shall be made according to plans and specifications approved by the school committee of the town, or the Commissioner of Public Schools.

¶ 4. To establish and maintain a school library.

¶ 5. To employ one or more teachers.

¶ 6. To raise money by tax on the rateable estates of the district, for school purposes; and to fix a rate of tuition to be paid by the parents, employer or guardian of each child attending school, towards the expense of fuel, books, and other estimated expenses of the school, over and above the sum accruing to the district from the state and town appropriations; *Provided*, that the rate of tuition, for any one term of three months, shall not exceed one dollar per scholar; *and provided further*, that the amount of such tax and the rate of tuition, shall be approved and authorized by the school committee of the town.

[By § 14, ¶ 6, the trustee or trustees must make out the tax bills. As to mode of assessing see § 15. As to mode of collection see § 13, ¶ 8.]

¶ 7. To elect at the annual meeting, by ballot or otherwise, one person, resident in the district, to serve as trustee for the district, and to hold his office for three years; *Provided*, that the first election after the passage of this act, three persons shall be thus elected, one of whom shall serve one, a second, two, and the third, three years, to be determined by lot among themselves; *and provided further*, that any new district may choose three trustees as above, at the first meeting called after its formation, and the term of office of the one designated by lot to serve one year, shall expire at the next annual meeting of the school districts.

[By act of June 1816, the districts at their meetings for organization, or at their annual meetings, may elect either one or three trustees, (as they may decide,) to hold their offices until the next annual meeting, or until their successors are qualified.]

8. To appoint a clerk, collector and treasurer of the district, who shall exercise the same powers and duties in their respective districts, as the clerk, treasurer and collector of the town, in their respective towns.

Sec. XIV. The trustees of every school district, when qualified to the faithful discharge of the duties of their office, are authorized, and it shall be their duty—

[The oath or affirmation may be administered by the chairman or clerk of the school committee, a Justice or Notary, or in Jamestown and New Shoreham by a Warden. See § 5, ¶ 1, and note.]

¶ 1. To have the custody of the school houses and other property of the district.

¶ 2. To give notice of all meetings of the districts in the manner provided.

[As to notice see § 12.]

¶ 3. To employ at their discretion, one or more qualified teachers, for every fifty scholars in average daily attendance, provide school rooms, and furnish the same with fuel, properly prepared.

[As to qualification of teachers see § 20.]

¶ 4. To visit the schools by one or more of their number, twice at least during each term of schooling.

¶ 5. To see that the scholars are properly supplied with books, and in case they are not, and the parents, guardians or masters, have been notified thereof by the teacher, to provide the same at the expense of the district, and add the price thereof to the next school tax or rate bill of said parents.

[As to what books shall be used see § 3, ¶ 6, and § 5 ¶ 9.]

¶ 6 To make out the tax and rate bills for tuition, against the persons liable to pay the same, as shall be voted by the district.

¶ 7. To make such returns to the school committee in matter and form, as shall be prescribed by them, or the Commissioner of Public Schools, and perform all other lawful acts that may be required of them by the district, or which may be necessary to carry into full effect the powers and duties of schoool districts.

Sec. XV. ¶ 1. Whenever a tax shall be voted by any district, the same shall be levied on the ratable estate in said district, according to the estimate and apportionment in the tax bill of the town to which such district belongs, last completed, or next to be completed, as said district may direct.

¶ 2. Whenever any real estate situated within the district is so assessed and entered in the tax bill of the town, in common with other estate sit-

uated out of said district, that there is no distinct or separate value upon it, the trustees of the district may call upon one or more of the assessors of the town, not residing in said district; and it shall be the duty of said assessors on such application, to assess the value of said real estate so situated, and in making such assessment, to proceed as in making the tax bill of the town.

[As to notice and other particulars see Digest page 425.]

SEC. XVI. If any school district shall neglect or refuse to establish a school and employ a teacher for the same, for nine months, the school committee of the town may establish such school, and employ a teacher, as the trustees of the district might have done; and any school district may, with the consent of the school committee, devolve all the powers and duties relating to public schools in said district, on said committee.

[By act of June 1846, § 3, if any district neglects to organize, or, if organized, shall for the space of six months neglect or refuse to establish a school and employ a teacher, the school committee of the town may either by themselves or by an agent by them appointed establish a school and employ a teacher.]

SEC. XVII. Any town, at any legal meeting, may vote to provide school-houses, furnish the same with fixtures and necessary and useful appendages, in all the districts, from time to time, at the common expense of the town.

[See § 4, ¶ 2, and § 6.]

SEC. XVIII. ¶ 1. Any two or more adjoining primary school districts in the same or adjoining towns, may by a concurrent vote, agree to establish a secondary or grammar school, for the older and more advanced children of such districts, under the management of a committee, composed of one member from each of said districts, to be appointed annually for each district, by the school committee of the town, or towns to which such districts belong respectively; and said secondary school committee shall locate the school, provide school house, fuel and furniture, employ teachers, regulate the studies, the terms of admission, the number of pupils to be admitted, the rate of tuition, and have the general control of the school; *Provided*, that no teacher shall be employed in any secondary school, without exhibiting a certificate of qualification, signed by a school inspector for the county, or the Commissioner of Public Schools.

¶ 2. The school committee of the town or towns in which such secondary school shall be established, shall draw an order in favor of the committee of said school, to be paid out of the public money appropriated to each district interested in said secondary school, in proportion to the number of scholars from each.

SEC. XIX. ¶ 1. Whenever it shall be found convenient to form a school district of two or more contiguous districts, or parts of two or more contiguous districts in adjoining towns, such towns respectively concurring therein, may form such district, and alter and discontinue the same.

[By act of June 1846, the concurrence of the towns is rendered unnecessary.]

¶ 2. The first meeting of any district composed of parts of two or more towns, shall be called by a notice signed by the school committees of the several towns to which such parts belong, and set up in one or more public places, in each town within the limits of the joint district; and said district may, from time to time thereafter, prescribe the mode of

calling and warning the meetings, in like manner as other school districts may do.

¶ 3. Every district established by two or more towns, shall have all the powers, and perform all the duties allowed or prescribed in regard to school districts, and shall be subject to the supervision and general management of the school committee of the town in which the school of the joint district may be kept, or the school-house, when erected, may stand.

¶ 4. Whenever a joint district shall vote to build or repair a school-house by tax, the amount of such tax, and the plan and specification of such building or repairs shall be approved by the school committee of the towns out of which said district is formed.

IV. Teachers. Section XX–I.

Sec. XX. No person shall be employed to teach as principal or assistant, in any school supported in part, or entirely, by public money, unless such person shall exhibit a certificate of qualification, signed either—

¶ 1. By the chairman of the school committee of any town, or the sub-committee appointed for this purpose, which shall be valid for one year from the date thereof, in any public school or district in said town, unless annulled; or,

¶ 2. By an inspector for the county, which shall be valid for two years from the date thereof, in every town and district of the county for which such inspector shall be appointed, which last certificate, when signed by the Commissioner of Public Schools, shall be valid in any public school of the State, for three years, unless the same is annulled.

Provided, That neither of the above authorities shall sign any certificate of qualification, unless the person named in the same shall produce evidence of good moral character, and be found on examination, or by experience, qualified to teach the English language, arithmetic, penmanship, and the rudiments of geography and history, and to govern a school.

Sec. XXI. Every teacher in any public school, shall keep a register of all the scholars attending said school, their ages, their parents or guardians, the date when each scholar entered and left said school, and their daily attendance, together with the day of the month on which said school was visited by any of the authorities named in this act, with the names of the visitors.

Miscellaneous Provisions.

Sec. XXII. The General Treasurer shall pay to the treasurer of the town of Charlestown, the sum of one hundred dollars annually, to be expended under the direction of some suitable person or persons to be appointed annually by the Governor, in support of a school for the use of the members of the Narragansett tribe of Indians, and for the purchase of books and other incidental expenses of said school; and an account of the expenditure of said money shall be rendered annually to the General Assembly, and a report of the condition of the school be transmitted to the Commissioner of Public Schools, on or before the first Monday of May; *Provided*, that in the apportionment of the public money, by the said Commissioner, and by the school committee of the town of

Charlestown, the number of the Narragansett Indians in such town shall not be included.

SEC. XXIII. No child shall be excluded from any public school in the district to which such child belongs, if the town is divided into districts; and if not so divided, from the nearest public school, except by force of some general regulation, applicable to all children under the same circumstances; and in no case, on account of the inability of the parent, guardian, or employer of the same, to pay his or her tax, rate, or assessment, for any school purpose whatever.

[See § 5, ¶ 9.]

SEC. XXIV. The school committee of any town, or the trustees of any school district, are authorized to make arrangements with the committee of any adjacent town, or the trustees of any adjacent district, for the attendance of such children, as will be better accommodated in the public schools of such adjacent town or district, as the case may be, and to pay such a portion of the expense of said schools, as may have been agreed upon, or as may be just and proper.

SEC. XXV. Any money appropriated to the use of public schools, which shall be applied by a town, school district, or any officer thereof, to any other purpose than that specified by the law, shall be forfeited to the state; and any officer or person who shall fraudulently make a false certificate or order, by which any money appropriated to public schools shall be drawn from the treasury of the State, or the town, shall forfeit the sum of fifty dollars to the State; and it shall be the duty of the Commissioner of Public Schools to bring a suit to recover said forfeitures in behalf of the State.

SEC. XXVI. In the construction of this act, the word "town" shall include the city of Providence, so far only as to entitle the same to a distributive share of the money appropriated to the support of public schools, on making the annual report required of the several school committees, in matter and form as prescribed by the Commissioner of Public Schools.

SEC. XXVII. Any person conceiving himself aggrieved in consequence of any decision made by any school district meeting, or by the trustees of any district, or the committee of any town, or by a county inspector, or concerning any other matter arising under this Act, may appeal to the Commissioner of Public Schools, who is hereby authorized and required to examine and decide the same: and the decision of said Commissioner, when approved by any Judge of the Supreme Court, shall be final and conclusive.

[See § 3, ¶ 4.]

SEC. XXVIII. All general acts and resolutions heretofore passed relating to public schools, and all acts authorizing particular towns and districts to build school houses, and perform other duties now provided for in the preceding sections, are hereby repealed.

Provided, That all acts and resolutions relating to the public schools in the city of Providence, and the town of Newport, are hereby continued in force.

Provided further, That all rights vested in any person or persons by virtue of any of the acts hereby repealed, shall remain unimpaired and

unaltered by this act; and that all matters commenced by virtue of any of the laws aforesaid, now depending or unfinished, may be prosecuted and pursued to final effect, in the same manner as they might have been, if this act had not been passed.

SEC. XXIX. This act shall not take effect till after the next session of the General Assembly, and in the mean time the existing laws relative to public schools shall continue in force.

Passed, June Session, 1845.

TRUE COPY: *Witness*, HENRY BOWEN, *Sec.*

AN ACT

In addition to, and in amendment of "An Act relating to Public Schools."

It is enacted by the General Assembly as follows:

SECTION I. The limits of the school districts in the several towns shall continue the same as before the passage of said act, until they shall be altered by the school committee of the town; and the formation or alteration of a joint district in adjoining towns shall be left with the school committees of such towns.

[This amends § 4, ¶ 1—§ 5, ¶ 3—§ 10, and § 19, ¶ 1, of the School Law of June 1845.

SEC. II. Any school district may elect, at their meeting for organization, or at their annual meeting in April or May, either one or three trustees, as they may decide, and such trustee or trustees shall hold their offices until the next annual meeting, or until their successors are qualified.

[This amends § 13, ¶ 7, and § 12, ¶ 2, of School Law of June 1845.]

SEC. III. If any school district shall neglect or refuse to organize, or if organized, shall for the space of six months, neglect or refuse to establish a school and employ a teacher for the same, the school committee of the town may by themselves, or an agent by them appointed, establish such school and employ a teacher, as the trustees of the district might have done.

[This amends § 16 of School Law of June 1845.]

SEC. IV. The Commissioner of Public Schools shall furnish to each district school a suitable register, and publish and distribute to each district, an edition of the school law with the alterations above made, and such forms and explanations as may be necessary for the uniform administration of the same; and the expense thereof, when approved by the Governor, shall be paid out of the Treasury.

SEC. V. In case of the absence or sickness of the Commissioner of Public Schools, the Governor is hereby authorized to appoint a suitable person to act as Commissioner during such absence or sickness.

Passed, June Session, 1846.

TRUE COPY: *Witness*,

HENRY BOWEN, *Sec.*

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